

MINUTES OF MEETING OF BOARD OF PUBLIC WORKS, JUNE 12, 1940.

The Board of Public Works met in its office in the Union Trust Building, Baltimore, Maryland, on Wednesday, June 12, 1940, at 2:30 p.m.

Present: Herbert R. O'Connor, Governor
J. Millard Tawes, Comptroller
Hooper S. Miles, Treasurer

Mr. Walter N. Kirkman, Director of the Department of Budget and Procurement, was also present.

CHELTENHAM SCHOOL FOR BOYS:

The Secretary brought to the attention of the Board a communication from Cheltenham School for Boys, advising that proposals had been received from three contractors for the construction of a storage room, including repairs to an existing small building, the structure to connect this small building to our Administration Building", and that the lowest bid had been received from G. Walter Tovell Co., Inc., Baltimore, in the amount of \$1,658.00. The school requested authority to enter into a contract with G. Walter Tovell Co., Inc. for the work.

The Board approved the request of the school.

COMPTROLLER:- Inheritance Taxes

The Secretary brought to the attention of the Board a file of correspondence between the Comptroller and Mr. John L. Sanford, Jr., Berlin, Maryland, relative to inheritance taxes due by the Estate of James B. Carey. Mr. Sanford requested that the State's claim for inheritance taxes in this case be compromised by accepting the payment of the taxes due, with interest calculated from April 4, 1936, instead of from the date of death of the testator in 1913.

A letter from The State Law Department, which is a part of the file in this case, recommends the acceptance of Mr. Sanford's offer, stating at the same time that it was doubtful whether the State could insist on payment of interest prior to April 4, 1936, on which date Chapter 124, Acts of 1936, bearing on the subject of inheritance taxes became effective.

The Board approved settlement as recommended by The State Law Department.

MARYLAND STATE POLICE:

The Secretary brought to the attention of the Board a proposed lease between the Maryland State Police and John X. Kelly, for an apartment on the second floor (No.3) at 200 East 21st Street, Baltimore, to be used as dormitory for the term of four and a half months, beginning on May 18th, 1940, at a yearly rental of \$330.00, payable in equal monthly installments of \$27.50, in advance on the first day of each month.

Mr. Kirkman recommended approval of the lease, stating that it was necessary to have this space to house State Policemen assigned to headquarters, thereby releasing space in the Police Building across the street which is needed for administrative offices.

The Board approved this lease.

MILITARY DEPARTMENT: - Annapolis Armory:

The Secretary brought to the attention of the Board, communications from James A. Walton, of Annapolis, and the Rotary and Civitan Clubs, of Annapolis, urging that the Board reconsider its action in approving the use of the land in the rear of the State Office Building, as a site for

the Annapolis Armory.

No action was taken by the Board in connection with these communications.

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The Secretary brought to the attention of the Board a voucher submitted by the Military Department requesting payment to James A. Walton, Annapolis, Maryland, of the sum of \$175.00 for services rendered and furnishing data as to the proposed armory site for Company "m", 1st Infantry, Annapolis, Maryland.

The Board was unable to understand why it was necessary to employ someone to secure this data and did not feel that any expense of this nature should be charged to the allotment to the Military Department for the cost of constructing a new armory.

MORGAN STATE COLLEGE:

The Secretary brought to the attention of the Board a file of correspondence covering complaint made by Morgan State College as to defects in the construction of the Library Building at that institution. The Secretary advised the Board that he had communicated with the firm of Taylor and Fisher, architects for the building, advising of the complaint and asking that they advise the Board their views as to the complaint. A reply from Taylor and Fisher had not been received up to the time of the meeting of the Board, and the Secretary was instructed to keep the matter in his file of unfinished business for further consideration.

OYSTERS:

The Secretary brought to the attention of the Board a bill of George H. Myers, Princess Anne, Maryland, attorney, in the sum of \$50.00, covering fee for service in defending writs of scire facias at the suit of Walter R. Gibson, Benjamin F. Gibson, Novella E. Wharton, Harry T. Ambrose, et al., in the Circuit Court for Somerset County, Nos. 13, 25, 26, 27 and 28 Trials, April Term 1940. The bill was submitted to The State Law Department, which recommended payment.

The Board approved payment of the bill out of its Contingent Fund.

ROSEWOOD STATE TRAINING SCHOOL:

The Secretary advised the Board that The Rosewood State Training School was not prepared to submit, at this meeting, any recommendation in connection with improvements and alterations to Power House and Water System for Fire Protection. The School had requested an opinion from The State Law Department with reference to the interpretation of the form of proposal prepared by the Consulting Engineers, since some question had arisen as to the method of the engineers in requesting bids for the work. The Attorney General advised Rosewood State Training School, under date of May 29, 1940, that there was a good deal of ambiguity in the specifications and that it would be difficult to interpret the specifications because of numerous arguments which could be made on both sides of the question. The Attorney General advised that, under the circumstances, an attempt by him to resolve so close a question would serve no useful purpose and in his opinion the Board of Managers should reject all bids and then either re-advertise for new bids or negotiate for contract or contracts, privately. He also advised the School that no contract can be awarded without the approval of the Board of Public Works, as provided for in Section 7 of Chapter 756, Acts of 1939.

It was felt that there was nothing else for the Board of Managers to do except to be governed by the advice of the Attorney General.

The Secretary was instructed to communicate with Mr. F. C. Ellis, Chairman of Baltimore Building & Construction Trades Council, and advise him of the situation.

STATE EMPLOYMENT COMMISSIONER:

The Secretary brought to the attention of the Board a request from the State Employment Commissioner that the Board go on record as requiring all State Agencies to have their employees submit to the State Employment Commissioner personnel information so that the data necessary in the consideration of applications for retirement would be available in the office of the State Employment Commissioner. Col. Jones had stated that the furnishing of this information would not take away from the heads of the departments having employees in the unclassified service the right to hire and discharge, as has been the case in the past, but that the request^{was} for the information as to all employees of the State, including both the classified and unclassified, so that a satisfactory record could be available in the office of the State Employment Commissioner in connection with the administration of the State Employees Retirement System.

The Board approved the request of the State Employment Commissioner.

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The Board took up the matter of working hours for State employees and after careful consideration it was decided to approve for the summer months hours from 9:00 a.m. to 4:00 p.m. on week days with the exception of Saturday when the hours would be from 9:00 a.m. to 12:00 noon. Saturday is to be regarded as a working day.

STATE DEPARTMENT OF FORESTRY:

The Secretary brought to the attention of the Board a communication from Mr. F. W. Besley, State Forester, requesting authority to pay expenses incurred in the condemnation proceedings relative to the Elk Neck State Park land, of \$1,080.08. Mr. Besley stated that this amount is one-half of the total cost, the other one-half to be taken care of by the County Commissioners of Cecil County. An itemized statement was submitted with Mr. Besley's letter. The expenditure was approved by the Attorney General.

The Board approved the request for authority to pay one-half of the expense in the amount of \$1,080.08, chargeable to the appropriation to the State Department of Forestry in the General Bond Issue of 1939.

STATE HOUSE: Repairs

The Secretary brought to the attention of the Board bids which had been received by the Superintendent of Public Buildings & Grounds for painting in the State House, painting to cover "Interior of new part, all Halls; Stairways, Toilet Rooms; Walls and Ceilings; Wood Work; Basement; 1st Floor, 2nd Floor, House and Senate Chamber; and Retiring Rooms; Toilet and Cloak Rooms", in accordance with specifications prepared by the Superintendent and the Chief Engineer. Three bids were received, with the lowest being from Howard Pyle, Annapolis, \$4,314.00.

The Board authorized acceptance of Mr. Pyle's bid, and the proceeding with the work covered by the bid.

Mr. Kirkman advised that the paint manufactured by the H. B. Davis Co., one of the paints mentioned in the specifications, be used in the work. The Board approved the recommendation of Mr. Kirkman:.

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Court of Appeals

Mr. Kirkman brought to the attention of the Board bids which were received from The Wm. Garthe Company and The Fingles Company, for extensive work to be done on the roof of the Court of Appeals Building. Mr. Kirkman recommended that the bid of The Fingles Company, in the amount of \$2,361.00 be accepted.

The Board approved Mr. Kirkman's recommendation.

The cost of the painting work and the work on the roof of the Court of

Appeals is to be made from the appropriation of \$15,000.00 in the General Bond Issue of 1939, for Repairs and Improvements.

STATE ROADS COMMISSION:

The Secretary brought to the attention of the Board three deeds which had been submitted by the State Roads Commission for approval by the Board of Public Works, conveying land as follows:

- 1- To William V. James and Therle A. James, his wife, piece or parcel of land situate, lying and being on the westerly or southwesterly side of the Waldorf-Hughesville Road, Charles County, Maryland;
- 2- To John Matthews, certain land in Charles County, acquired in connection with rights of way necessary for the road approach to the Potomac River Bridge now in the course of construction;
- 3- To Town of Kensington, all that piece or parcel of land situated, lying and being in Kensington, Montgomery County, not now necessary for the construction, improvement or maintenance of the highways under the jurisdiction of the State Roads Commission.

The Board approved execution of the deeds mentioned.

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The Secretary brought to the attention of the Board a letter addressed to it by the State Roads Commission, dated May 25, 1940, together with a list of accounts considered worthless and uncollectible on April 30, 1939, which the State Roads Commission recommended to the Board of Public Works be abated.

The Board reviewed the list but was of the opinion that some of the items would seem possible of collection, and that further effort should be made to collect the items, or more reason should be advanced as to why the items should be abated.

The Board agreed to abate the items aggregating \$20,432.62, shown as due by the Military Department for work performed on roadways at Camp Ritchie and work done at the Target Range at the Little Gunpowder River. Also, the Board accepted the explanation as to the item of \$4,000.00, shown as due by Maryland Realty Investment Corporation and ^{agreed} to abate that item because of the corporation having given to the State a fee simple title to certain lands required by the Commission for right-of-way in constructing approaches to the Potomac River Bridge, for which no agreed price was paid them, the title having been given as a set-off to the amount due by the corporation.

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Mr. Miles explained to the Board that he had looked into the question of delaying the demolition of the old bridge over the Susquehanna River between Havre de Grace and Perryville, because of representations made by various interests. He stated that there seemed to be a strong recommendation that the removal of the bridge be deferred because of unsettled world conditions and the use to which this bridge could be put in case of necessity. It was thought that the removal of the bridge could be deferred until conditions became more settled. The agreement executed in connection with the construction of the new bridge calls for the removal of the old bridge, and this with the question of tolls to be collected for traffic over the new bridge to take care of the operating costs and the servicing of the debt created in the building of the new bridge, are factors which make any consideration to be given the matter, by those responsible for the construction of the new bridge, most difficult. In other words, any use of the old bridge would constitute competition with the new bridge and might possibly impair the

value of the securities issued in the financing of the new bridge.

The Board thought it might be possible to allow the old bridge to remain without any use being made of it, for the time being, which would eliminate any danger in connection with the financing of the new bridge and the Board was desirous of having the removal deferred if this could possibly be arranged to the satisfaction of all concerned.

Mr. Miles was authorized to make further inquiry and investigation into the matter.

STATE TOBACCO WAREHOUSE:

Mr. Kirkman brought to the attention of the Board a request from Mr. Herman W. Hewitt, Inspector of Tobacco, that he be authorized to employ solicitors for the purpose of securing business for the State Tobacco Warehouse from the growers of tobacco in Southern Maryland. Mr. Hewitt is of the opinion that it is necessary to solicit this business in order to keep as much as possible away from the loose leaf markets, so that the operation of the State Tobacco warehouse will not be impaired due to any falling off in revenue of the warehouse from the handling of tobacco. The question was discussed at length and the most serious item seemed to be the possible lack of receipts of the warehouse this year to permit of the employment of solicitors.

Mr. Kirkman stated that the budget of the Warehouse was \$68,000.00 for this year, while the receipts in prospect are \$60,000.00, meaning that the General Funds of the State will be called upon to finance the operations of the Warehouse to the extent of the difference. It was represented that the work of the five solicitors in the five tobacco growing counties of Southern Maryland would result in the Warehouse obtaining 200 hogs head more from each county than it would without the work of these solicitors, and the additional receipts occasioned thereby would take care of the expense of the five solicitors over the period of three months during the present summer. It was felt that it would be desirable to accede to the views of the State Tobacco Inspector this year and that the result to be obtained would be worthwhile in any consideration to be given the matter of providing for solicitors in the appropriation to be made to the State Tobacco Warehouse in the next Budget.

UNIVERSITY OF MARYLAND: - State Department of Forestry
Maryland Geological Survey

The Board took up for consideration the request of the University of Maryland for the transfer of the State Department of Forestry and the Maryland Geological Survey from their present quarters in Baltimore to offices at the University of Maryland, College Park, Maryland. After discussing the matter at length, the following statement was approved:

"The Maryland General Assembly in 1922, by Chapter 29, of the Acts of 1922, determined that 'There shall be established at the University of Maryland, at College Park, a Department of Forestry' and that 'on January 1, 1923, all the rights, powers, duties, obligations and function of the State Board of Forestry. . . shall be transferred to and thereafter be exercised and performed by the Regents of the University of Maryland'.

"At the same session the Legislature passed an Act providing that 'on January 1, 1923, all the rights, powers, duties, obligations and functions of the State Geological and Economic Survey Commission . . . shall be transferred to and thereafter be exercised and performed by the Regents of the University of Maryland'.

"The Board of Regents now desires to change the location of these two agencies from Baltimore to College Park, and has requested the approval of the Board of Public Works of this change.

"Following the receipt by this Board of the request of the Board of Regents, many expressions of objections were received by the Board of Public Works, and in response to numerous requests the Board held a

public hearing and afforded an opportunity to all interested persons to present to the Board information bearing upon the requested move. At this hearing representatives from various organizations throughout the State appeared - together with other interested citizens - and voiced opposition to the transfer. The President of the University of Maryland was likewise present at the meeting and outlined the reasons why the Board of Regents requested the change in location, and stressed the provisions of the law referred to above.

"The Board of Public Works has given most careful consideration to the matter, and all of its many phases, and after reviewing the law applicable, and after examining the reports and other relative data bearing upon it, is of the opinion that the refusal of this Board to grant its approval to the change in location of the two agencies would be in direct conflict with the explicit provisions of the law, and with the exercise of the rights and responsibilities imposed by the Legislature upon the Board of Regents.

"Accordingly, the Board of Public Works hereby approves the change in location of the two agencies involved. However, in taking this action the Board of Public Works deem it entirely appropriate to make the following observations and recommendations:

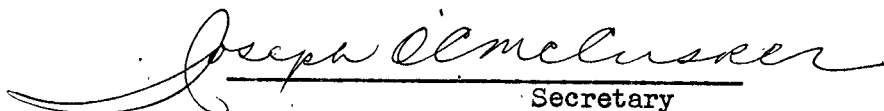
"The conservation of the natural resources of the State and the related questions in connection therewith constitute one of the most important matters before the citizens of the State. The many aspects of an adequate conservation program have occupied the attention of the present State administration, and have received and are still receiving continuous thought and study. The subject has been widely discussed, and in the opinion of this Board such discussion and consideration should be encouraged to the end that the most beneficial policy may be adopted.

"The voters of the State - in the election to be held next November pursuant to a referendum which has been filed, will vote upon the provisions of Chapter 353 of the Acts of 1939, entitled 'Conservation of Natural Resources'. Within two months following the submission of the referendum to the voters, the General Assembly of Maryland will meet in January, 1941.

"The Board of Public Works is of the opinion that, in order to safeguard every possible interest of the State, and to afford opportunity for further and fuller discussion and consideration of the matter, the Board of Regents of the University is amply justified in postponing the physical transfer of the offices and personnel of the Forestry Department and the Department of Geological Survey until after the next session of the General Assembly.

"The Board of Public Works, therefore, urgently recommends that the Board of Regents postpone the actual transfer until the adjournment of the next regular session of the General Assembly and further expresses its willingness to consult with the Board of Regents on this entire matter, if desired, and to amplify its views and to submit all data and information in its possession bearing upon the several questions presented."

There being no further business, the meeting was adjourned.


Secretary

MARYLAND STATE PENAL FARM:

The Board approved the transfer of \$400,000.00 from the General Bond Issue of 1939 to the budget of the Maryland State Penal Farm:.